

REMARKS

Claims 1-11 are pending in the application.

Claims 1 and 7 have been amended to clarify the claimed invention. The amendments are based on the original specification and drawings. No new matter is entered.

The claims clarify that:

the wavelength-assignment exchanging means identifies wavelengths in the high QoS communication having high BERs, based on Bit Error Rate (BER) information,

exchanges the identified wavelengths having the high BERs with an equal number of wavelengths having low BERs in the low QoS communication, unless the wavelengths having the high BERs in the high QoS communication outnumber the low BERs being used for the low QoS communication.

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. It appears there was confusion as to claims 1 and 7, particularly the "wavelength-assignment exchanging means for identifying."

In view of the above clarification it is respectfully requested the rejection be withdrawn and the claims allowed.

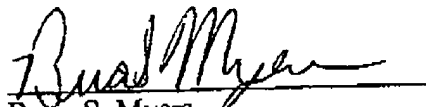
Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by Carlin et al. (U.S. 4,893,300).

Claim 6 is cancelled herein obviating the rejection.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986 or 8987
Docket No.:
BSM:fd